

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

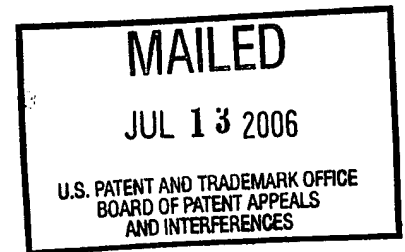
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ANDREY A. BOUKHAROV,
YONGWEI CAO,
DAVID K. KOVALIC,
JAMES McININCH, and
WEI WU

Appeal No. 2006-0457
Application No. 09/702,134

ON BRIEF



Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge, and
ADAMS, Administrative Patent Judge.

Per curiam

DISMISSAL OF APPEAL

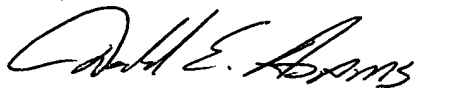
On June 12, 2006, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.


Michael R. Fleming, Chief
Administrative Patent Judge


Gary M. Harkcom, Vice Chief
Administrative Patent Judge


Donald E. Adams
Administrative Patent Judge

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